



# Department of Justice

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## **JUSTICE DEPARTMENT WILL NOT APPEAL STOLT-NIELSEN DECISION**

WASHINGTON — The Department of Justice issued the following statement today regarding whether or not the Department will appeal the decision by the U.S. District Court in Philadelphia dismissing the indictment in U.S. v. Stolt-Nielsen S.A. et al:

“The Department of Justice has determined that it will not appeal the dismissal of the indictment in U.S. v. Stolt-Nielsen S.A. et al. While the Division is disappointed with the ruling, it respects the role of the court in making the factual determinations that support the decision that Stolt-Nielsen, two of its subsidiaries, and two executives did not breach the conditional leniency agreement.

Since the Antitrust Division revised its Leniency Program in 1993, cooperation from leniency applications has resulted in scores of convictions and nearly \$4 billion in criminal fines. Many of the Division’s major international investigations have been advanced through the cooperation of a leniency applicant, including recent prosecutions involving airline fares, air cargo rates, computer memory chips, vitamins, and other goods and services affecting U.S. businesses and consumers. The benefits to the Division’s cartel enforcement program are greatest when a conditional leniency applicant successfully completes the leniency process. At the same time, the Department must preserve the integrity of the program. Accordingly, the Division will continue to use the Leniency Program as a weapon in the fight against cartels, and administer the program in a transparent and equitable manner that ensures that those conditionally admitted to the program adhere to all requirements to obtain leniency.”

### **Background**

On September 6, 2006, a federal grand jury in Philadelphia returned an indictment against London-based Stolt-Nielsen S.A., two of its subsidiaries, and two executives for participating in a conspiracy to allocate customers, fix prices, and rig bids on contracts of affreightment for parcel tanker shipping of products to and from the United States and elsewhere. On November 29, 2007, the U.S. District Court in Philadelphia dismissed the indictment.

Stolt-Nielsen is the only company that the Antitrust Division has ever sought to remove from its Corporate Leniency Program since the policy was first adopted in 1978 and then subsequently revised in 1993.

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